



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ANDREW HARLIN,

Plaintiff,

vs.

CRAIG SHUMATE.

Defendants.

CASE NO. 12cv2994 WQH

**VERDICT**

**We, the jury in the above-entitled action, unanimously find the following verdict on the questions submitted to us as to Plaintiff Andrew Harlin:**

*Answer Question 1 and then follow the italicized instructions.*

**Unlawful Arrest - §1983**

**Question 1:** Did the Defendant Craig Shumate arrest Plaintiff Andrew Harlin without probable cause?

Answer Yes ☒ No ☐

*If your answer is Yes, proceed to Question 2.*

*If your answer is No, proceed to Question 3.*

**Question 2:** Was the arrest a substantial factor in causing harm to Plaintiff Andrew Harlin?

Answer Yes ☒ No ☐

*Answer Question 3.*

**Unreasonable Force- §1983**

**Question 3:** Did the Defendant Craig Shumate use unreasonable force on Plaintiff Andrew Harlin?

Answer Yes ☒ No ☐

*If your answer is Yes, proceed to Question 4.*

*If your answer is No, proceed to Question 5.*

**Question 4:** Was the unreasonable force a substantial factor in causing harm to Plaintiff Andrew Harlin?

Answer Yes ☒ No ☐

*Answer Question 5.*

**California Civil Code § 52.1**

**Question 5:** Did the Defendant Craig Shumate interfere or attempt to interfere by threats, intimidation or coercion with Plaintiff Andrew Harlin's right to be free from unlawful arrest or unreasonable force protected by the Fourth Amendment to the U.S. Constitution?

Answer Yes ☒ No ☐

*If your answer is Yes, proceed to Question 6.*

*If your answer is No, proceed to Question 7.*

**Question 6:** Was the conduct in Question 5 a substantial factor in causing harm to Plaintiff Andrew Harlin?

Answer Yes ☒ No ☐

*Proceed to Question 7.*

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**Negligence**

**Question 7:** Was one or more San Diego police officer negligent in his actions toward Plaintiff Andrew Harlin?

Answer Yes ☒ No ☐

*If your answer is Yes, proceed to Question 8.*

*If your answer is No to Question 7, and your answer is Yes to Question 2 or 4 or 6, proceed to Question 9.*

*If you did not answer Yes to Question 2 or 4 or 6 or 7, please have the presiding juror sign and date the verdict form.*

**Question 8:** Was this negligence a substantial factor in causing harm to Plaintiff Andrew Harlin?

Answer Yes ☒ No ☐

*If your answer is Yes to Question 2 or 4 or 6 or 8, proceed to Question 9.*

*If you have not answered Yes to Question 2 or 4 or 6 or 8, please have the presiding juror sign and date the verdict form.*

**Question 9:** What do you find to be the total amount of damages which will compensate Plaintiff Andrew Harlin for the harm caused by the Defendant or Defendants?

\$ 50,000.00

*If your answer is Yes to Question 8, please answer Question 10.*

*If your answer is No to Question 7 or 8, and your answer is Yes to Question 2 or 4, proceed to Question 12.*

*If your answer is No to Question 7 or 8, and you have not answered Yes to Question 2 or 4, please have the presiding juror sign and date the verdict form.*

**Question 10:** Was Plaintiff Andrew Harlin negligent in failing to use reasonable care to prevent harm to himself?

Answer Yes ☐ No ☒

1 If your answer is Yes to Question 10, proceed to Question 11.

2 If your answer is No to Question 10, and your answer to Question 2 or 4 is Yes, proceed to  
3 Question 12.

4 If your answer is No to Question 10, and you have not answered Yes to Question 2 or 4,  
5 please have the presiding juror sign and date the verdict form.

6  
7 **Question 11:** What percentage of the total amount of Plaintiff Andrew Harlin's harm  
8 is due to the negligence of one or more San Diego police officer and what percentage of the  
9 total harm is due to the negligence of Plaintiff Andrew Harlin?

10 Answer with percentages which must add up to 100%

11 Answer: Defendant officers \_\_\_\_\_%

12 Plaintiff Andrew Harlin \_\_\_\_\_%

13 TOTAL 100%

14 If your answer is Yes to Question 2 or 4, proceed to Question 12.

15 If you have not answered Yes to Question 2 or 4, please have the presiding juror sign and  
16 date the verdict form.

17  
18 **Punitive Damages - Federal Law Claims § 1983**

19 **Question 12:** Do you find by a preponderance of the evidence that Defendant Craig  
20 Shumate acted maliciously, oppressively or with reckless disregard of Plaintiff's  
21 Constitutional rights?

22 Answer yes or no only if you answered Yes to Question 2 or Question 4.

23 Answer Yes ☒ No ☐

24 Please have the presiding juror sign and date the bottom of this form.

25  
26 Dated: 2/19/2015

27   
28 Presiding Juror